

Linklaters

Hon. Mary Kay Vyskocil, U.S.D.J.
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VIA ECF

October 11, 2021

Re: Mersen USA EP Corp. v. TDK Electronics Inc. et al., Case No. 1:21-cv-00763 (MKV)

Dear Judge Vyskocil:

We represent TDK Electronics Inc. (“**TDK Electronics**”) and TDK (Zhuhai FTZ) Co., Ltd. (“**Zhuhai**”) (collectively, “**TDK**” or “**Defendants**”) in the above-referenced matter. On September 27, 2021, Mersen USA EP Corp. (“**Plaintiff**”) submitted a redacted Opposition to Defendants’ Motion to Dismiss the First Amended Complaint, *see* ECF Nos. 53, 54, along with a Letter Motion to Seal Plaintiff’s Opposition to Defendants’ Motion to Dismiss the First Amended Complaint, Declaration of Roy Ball, and Declaration of Thomas E. Bejin, *see* ECF No. 52.

We write pursuant to Rule 9.B of your Individual Rules and Practices in Civil Cases to request that Defendants be permitted to file their reply brief under seal and publicly file a redacted version of the same. Defendants seek to redact various portions of their reply brief which address and respond to redacted portions of Plaintiff’s Opposition and accompanying papers as well as redacted portions of the First Amended Complaint, *see* ECF No. 39.

Defendants were not provided with Plaintiff’s proposed redactions to the First Amended Complaint or Opposition and accompanying papers prior to providing consent to Plaintiff’s motion to seal, but provided consent to avoid unnecessary motion practice. Defendants’ redactions in the reply brief are made out of an abundance of caution given this Court’s Order on the motion to seal, *see* ECF No. 60, and do not constitute an admission or agreement that the redacted information or topics are indeed confidential and proprietary information or otherwise require sealing.

The proposed redactions are highlighted in the copy of the reply brief accompanying the emailed version of this letter, which also attaches an unredacted version of the same for the Court’s records.

Plaintiff does not object to Defendants’ sealing request. To the extent the Court intends to deny this sealing application, Defendants respectfully request an opportunity to re-file their reply brief in compliance with the Court’s order.

Additionally, Defendants respectfully request, pursuant to Rule 4.A.vii of your Individual Rules and Practices in Civil Cases, oral argument on Defendants’ Motion to Dismiss the First Amended Complaint, *see* ECF No. 44, with accompanying Memorandum of Law at ECF Nos. 46, 48 and supporting Declarations and Exhibit at ECF Nos. 47, 49, 50.


We thank the Court in advance for its consideration with respect to the above requests.

Respectfully submitted,
/s/ Adam S. Lurie
Adam S. Lurie, Linklaters LLP

cc: All Counsel of Record (via ECF)

GRANTED. The Motion to Seal is granted pending further order from the Court. SO ORDERED.

Date: 10/12/2021
New York, New York



Mary Kay Vyskocil
United States District Judge